

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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SIGNS BY CRANNIE, INC.,

Plaintiff-Appellant,

v

LISA ZUNIGA, a/k/a LISA R. ANSLOW,

Defendant-Appellee.

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UNPUBLISHED

July 7, 2000

No. 211470

Genesee Circuit Court

LC No. 97-061671-CZ

Before: Jansen, P. J., and Hood and Saad, JJ.

PER CURIAM.

Plaintiff appeals as of right from that portion of a judgment denying its request for treble damages. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

During the course of her employment as plaintiff's office manager, defendant converted funds by forging payroll checks, utilizing plaintiff's credit cards, etc. Plaintiff filed suit alleging conversion. Subsequently, plaintiff moved for summary disposition pursuant to MCR 2.116(C)(9) and (10), and sought treble damages pursuant to MCL 600.2919a; MSA 27A.2919(1). That statute reads:

A person damaged as a result of another person's buying, receiving, or aiding in the concealment of any stolen, embezzled, or converted property when the person buying, receiving, or aiding in the concealment of any stolen, embezzled, or converted property knew that the property was stolen, embezzled, or converted may recover 3 times the amount of actual damages sustained, plus costs and reasonable attorney fees. This remedy shall be in addition to any other right or remedy the person may have at law or otherwise.

The trial court granted plaintiff's motion for summary disposition, but denied its request for treble damages. The trial court relied on *People v Kyllonen*, 402 Mich 135, 148; 262 NW2d 2 (1978), in which our Supreme Court held that MCL 750.535; MSA 28.803, the penal receiving or concealing statute, was directed toward a person who assisted a thief or others in the disposition or concealment of stolen property, and not toward the person who committed the theft. The trial court reasoned that because the language of MCL 600.2919a; MSA 27A.2919(1) mirrored that of MCL

750.535; MSA 28.803 prior to the amendment of the penal statute, MCL 600.2919a; MSA 27A.2919(1) should be deemed inapplicable to one who actually converts property.

Statutory interpretation is a question of law which we review de novo. *Long v Chelsea Community Hosp*, 219 Mich App 578, 581-582; 557 NW2d 157 (1996).

Plaintiff argues that the trial court erred by denying its request for treble damages. We disagree and affirm. *Kyllonen, supra*, construed a penal statute; however, the analysis employed by our Supreme Court is persuasive. The Legislature is presumed to have intended the meaning it plainly expressed in a statute. *Nation v WDE Electric Co*, 454 Mich 489, 494; 563 NW2d 233 (1997). The clear language of MCL 600.2919a; MSA 27A.2919(1) indicates that treble damages are available from one who buys, receives, or aids in the concealment of stolen, embezzled, or converted property. To conclude that MCL 600.2919a; MSA 27A.2919(1) is applicable to a person who converts property is to conclude that that person buys or receives the property from himself, or aids himself in the concealment thereof. Any construction of a statute that leads to an absurd result is to be avoided. *McAuley v General Motors Corp*, 457 Mich 513, 518; 578 NW2d 282 (1998), overruled in part on other grounds 461 Mich 265, 272; 602 NW2d 367 (1999). In *Hovanesian v Nam*, 213 Mich App 231, 237; 539 NW2d 557 (1995), another panel of this Court held that MCL 600.2919a; MSA 27A.2919(1) was inapplicable, and observed that the defendant's wrongful retention of a security deposit did not amount to "buying, receiving or aiding in the concealment of stolen, embezzled or converted property." Similarly, defendant's conversion of funds from plaintiff did not constitute an act for which treble damages are available.

Affirmed.

/s/ Kathleen Jansen

/s/ Harold Hood

/s/ Henry William Saad